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9 UNITED PARCEL SERVICE, INC.
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NICHOLAS STEPHENS

Plaintiff,

v.

UNITED PARCEL SERVICE, INC.;
LIBERTY MUTUAL INSURANCE
COMPANY, INC.

Defendants.

Case No.: 4:23-cv-06081-DMR

**DECLARATION OF ROBERT D.
PRINE IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS PLAINTIFF NICHOLAS
STEPHENS' COMPLAINT**

Hearing Date: January 11, 2024

Hearing Time: 1:00 p.m.

Dept.: 4

Judge: Hon. Donna M. Ryu

Complaint Filed: October 16, 2023

Trial Date: Not Yet Set

I, Robert D. Prine, declare:

1. I am an attorney at law duly licensed to practice before this Court and am an associate at Dinsmore & Shohl LLP, attorneys of record for Defendant in this action. I am the counsel of record for Defendant United Parcel Service, Inc. ("UPS"). I have personal knowledge of the following facts, and if called upon to testify, I could and would competently testify to their truth and accuracy.

2. On October 16, 2023, Plaintiff Nicholas Stephens ("Plaintiff") filed a complaint against United Parcel Service, Inc. in the Superior Court of California,

1 County of Alameda in the matter entitled *Nicholas Stephens v. United Parcel Service*,
2 *Inc. et al.* (“Complaint.”). A true and correct copy of Plaintiff’s Complaint, and the
3 attachments to the Complaint, are attached hereto as **Exhibit A**. My office affixed
4 page numbers to the bottom of each page to assist the Court.

5 3. On October 23, 2023, Plaintiff served his Complaint on UPS. On
6 November 22, 2023, within thirty (30) days of Plaintiff's service of the Complaint, my
7 office filed a Notice of Removal to remove this action from the Superior Court of
8 California, County of Alameda to the United States District Court for the Northern
9 District of California.

10 4. On November 28, 2023, I called Mr. Stephens to meet and confer
11 regarding the motion to dismiss. Despite a lengthy phone call, we were unable to come
12 to an agreement regarding the issues in the motion to dismiss.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed by me on this 29th day of November, 2023 at San Diego, California.

/s/ Robert D. Prine
ROBERT D. PRINE